

REMARKS

At the outset, the Examiner is thanked for the courtesies extended during the personal interview on July 30, 2003. At that time, the Examiner stated that “the [proposed] amended claims 1 and 5 concerning the passivation film for solving the depression problem may [be] distinguished from the prior art.” The Examiner also stated that a further search would be needed.

By this Amendment, Applicants amend Fig. 3B to cure a minor editorial error or inconsistency. Annotated sheet attached shows the change made from the original drawing. Replacement sheet attached replaces the original sheet including Fig. 3B. No new matter has been added into the drawing. In addition, Applicants cancel claims 3 and 8 without disclaiming the underlying subject matter, and amend claims 1, 2, 4-5 and 7-10, and add new claims 13-19. Claims 11 - 12 have been withdrawn as the result of an earlier restriction requirement. Accordingly, claims 1-2, 4-7, 9, 10 and 13-19 are currently pending in the present application. Reexamination and reconsideration of the application are respectfully requested.

In the Office Action, the Examiner rejected claims 1-10 under 35 USC 103(a) as being unpatentable over Applicant Related Art (ARA) in view of Nishikawa et al. (US Patent No. 5,724,107). Applicants respectfully traverse this rejection.

Claim 1 is allowable over the cited references in that claim 1 recites a combination of elements including, for example, a passivation film on the capacitor upper electrode and reflective electrode formed over the passivation film at the pixel areas and electrically connected to the drain electrode through a contact hole in the passivation film, wherein the passivation film is between the capacitor upper electrode and the reflective electrode, whereby a depression at a pixel electrode is improved. None of the cited references, singly or in combination, teaches or suggests at least this feature of the claimed invention. Accordingly, Applicants respectfully submit that claim 1 and claims 2, 4 and 13-15, which depend therefrom, are allowable over the cited references.

Applicants respectfully submit that the Examiners' citation of Nishikawa et al. actually teaches away from the teaching of ARA. Nishikawa et al. does not teach or even suggest any

recognition of the problem that the present invention has addressed. Thus, the cited references, singly or in combination, fail to provide any teaching or suggestion to solve the problem address in the present invention. A patentable invention may lie in the discovery of the source of a problem, which is non-obvious, See MPEP 8th § 2141.

Moreover, Applicants respectfully submit that one of the advantages of the present invention is to obviate a problem associated with a depressed portion of the pixel electrode around the capacitor contact hole in ARA. See, for example, the paragraphs [0025] - [0030] of the present application. Figs. 1-2 of Nishikawa et al. disclose a staggered type TFT structure where the pixel electrode (14P) is also used as the source electrode (14S) and as the upper capacitor electrode. In such a structure, the source of the problem of the present invention does not even exist.

Accordingly, Applicants respectfully submit that there is no motivation for one of ordinary skill to combine the cited references and arrive at the claimed invention with any reasonable expectation of success.

Claim 5 is allowable over the cited references in that claim 5 recites a combination of elements including, for example, a first passivation film on the capacitor upper electrode and a reflective electrode electrically connected with the drain electrode through a contact hole in the first passivation film and formed over the first passivation film at the reflection part, the passivation film being between the capacitor upper electrode and the reflective electrode, whereby a depression at a pixel electrode is improved. None of the cited references, singly or in combination, teaches or suggests at least this feature of the claimed invention. Accordingly, Applicants respectfully submit that claim 5 and claims 6-7, 9-10 and 16-19, which depend therefrom, are allowable over the cited references.

Applicant believes the foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited. If the Examiner deems that a telephone conference would further the prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number (202) 496 - 7500. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: August 25, 2003

Respectfully submitted,

By

Song K. Jung

Registration No.: 35,210

MCKENNA LONG & ALDRIDGE LLP

1900 K Street, N.W.

Washington, DC 20006

(202) 496-7500

Attorney for Applicant



30827